

any sheriff, surveyor or other officer to execute and obey such warrant of re-survey, order or other process, the court in which such cause is pending, and to which such warrant of re-survey, order or other process is returnable shall, on motion and proof of delivery thereof, amerce such sheriff, surveyor or other officer not exceeding two hundred dollars, and enter judgment against him in the name of the State, but for the use of the party aggrieved by such neglect, who may issue execution thereon as upon other judgments.

1874, ch. 94.

107. Until the record in any cause has been actually transferred from the court passing the order of removal to the court to which it is removed, the court passing the order shall have power to strike out the order of removal, on motion of the party applying for the same, and when so stricken out the cause shall proceed as if no motion for removal had been made; but the motion for removal shall not be renewed by the same party after the expiration of the term at which the order for removal was stricken out; provided, that no such motion to strike out an order for removal shall be entertained, unless the same shall be made in time to admit of the trial of the cause at the same term of the court at which said order for removal was passed.

Seth v. Chamberlain, 41 Md. 186.

Replevin.

P. G. L., (1860,) art. 75, sec. 59. 1785, ch. 80, sec. 14.

108. The court, upon return of any writ of replevin, shall have power, upon motion being made by the defendant for a return of the property taken under the writ, to inquire into the circumstances and manner of the defendant's obtaining possession of such property; and if it shall appear that such possession was forcibly or fraudulently obtained, or that the possession being first in the plaintiff was got or retained by the defendant without proper authority or right derived from the plaintiff, the court may refuse to order a return to the defendant until a judgment is given in the action.

Montgomery v. Black, 4 H. & McH. 391. Cullum v. Bevans, 6 H. & J. 471. Glenn v. Fowler, 8 G. & J. 340.